

to my proposal, provided that he would be joined by two of his friends, Alaa and Mahmoud Hamuda. So I contacted Nasser and told him what Saadi had asked, and Nasser asked me to check whether the three of them were serious about their intention of carrying out a suicide attack ... After I trained them in firing an M-16, I videotaped Alaa and Saadi in my house, with each one holding an M-16, and with a Palestinian flag and the flag of *[Kitaab] Shuhadaa al-Aqsa* behind them, and Saadi read out the will that Nasser had sent ... That same day, I reported to Nasser Aweis that I had a suicide attacker with me, and Nasser asked to meet that terrorist. The next day, I took Majdi to a studio in Nablus to have his picture taken, and from there to Nasser Aweis's house, and I left him there. Two days later, Nasser asked me to purchase a car with Israeli license plates, and I bought a stolen black Mitsubishi for NIS 3,500 ... I got the money for the car from Nasser Aweis. After I bought the car, I went to Nasser's house with the car, and there I met Nasser and Majdi ... I was surprised to find another person there, named Fathi Amiri ... And then Nasser Aweis told me that those two people, Majdi Hanfar and Fathi Amiri, were about to go out and perpetrate a suicide attack in Israel. At that point, Nasser gave Majdi an M-16 weapon, and he gave Fathi two hand grenades ... About a year ago, Nasser Aweis asked me to buy him two bags of chemical fertilizer for the purpose of preparing explosive charges ... I bought them ... and I gave them to Nasser Aweis for the purpose of preparing explosive charges ... About a year ago, I purchased two M-16 rifles ... I got the money for those weapons from Nasser Aweis ...

Q. Where did you used to get the money for expenses for the military activity?

A. Nasser Aweis was in charge of me on behalf of *[Kitaab] Shuhadaa al-Aqsa*."

In his statement, P/18: "The plan for the perpetrators of the suicide attack inside the central bus station in Hadera was that Ziad and I ... and Nasser Aweis had the idea of sending one or two suicide bombers to carry out an integrated terrorist attack involving shooting followed by bombing, with an explosive charge that they would carry on their person. This would have a great effect and would cause mass casualties. Nasser Aweis took it upon himself to recruit the suicide bomber, and I took it upon myself to find an Israeli who would help introduce the suicide bomber into Israel ... In the end, we did not manage to carry out that terrorist attack ... Ziad Asasa told me ... that he had noticed a number of religious people concentrating in a synagogue [illegible, probably "between"] Baqa al-Gharbiya and Hadera, and he suggested that we should organize a suicide bombing there. I agreed, and I notified Nasser Aweis, who was in charge of me, and he said 'OK, we'll take it into account,' but in the end, it did not work out. In addition, Mahmoud Titi and [illegible, probably "Nasser"] Aweis and I talked about the possibility of carrying out a terrorist attack on the main fuel station in Israel, by waiting for a fuel tanker to arrive to distribute fuel in Nablus and placing an explosive charge in the tanker without the driver noticing – an explosive charge connected to a mobile phone – and later, when the tanker re-entered the main station, the explosive charge would be set off by calling the mobile phone connected to it. This was only a plan; it was not carried out ... I thought we would carry out a terrorist attack on the Ministry of Defense in Tel

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Aviv. I talked about it with Nasser Aweis and Mahmoud Titi, and we decided to look for trained activists who would carry out such a terrorist attack ... I would bring the weapons from Nasser Aweis every time anyone went out to perform a terrorist attack ...”

And in statement P/20: “... I am certain that Yasir (Abu Bakr) knew the rifles were intended for suicide attackers who were going out to perform terrorist attacks within Israel, because Yasir is the confidant of Nasser Aweis, and that Yasir was the one who wrote the posters for Nasser Aweis – the posters taking responsibility for terrorist attacks which were planned by Nasser Aweis ...”

The witness Muhammad Yadak states, in statement P/40A: “Mahmoud Titi contacted me and told me that he was planning to set up a military squad belonging to Tanzim Fatah. He suggested that I enlist in the military squad, and Mahmoud said that the purpose of setting up the squad was to carry out terrorist attacks against the Israeli army in the Nablus area. I agreed [illegible, probably “to this”] and, within the framework of the military squad, I participated in 10 shooting attacks directed against Saqen in the Nablus area. Participating in the shooting attacks along with me was ... Nasser Aweis, about 35 years old, from the Balata camp, who was in charge of the Tanzim in Nablus ...

Q. Who used to plan and prepare for the perpetration of the terrorist attacks in which you participated?

A. Nasser Aweis was the one who used to plan for the perpetration of the terrorist attacks, and he was the one who used to supply us with the weapons ...”

[Stamp] P 5: 257 [continued]

And in statement P/40B: "In the beginning of October 2001, Mahmoud Titi and I met with Nasser Aweis ... and there Nasser offered to teach us how to prepare explosive charges for the purpose of carrying out terrorist attacks and supplying explosive charges to others in the Tanzim Fatah. After Mahmoud and I had consented to this, Nasser Aweis came to us, to the apartment where Mahmoud Titi and I live, in Rafidiya, and Nasser Aweis had explosives in his possession, in five bags, 10 kg in each bag. He also had about 10 gas cylinders of various sizes in his possession, as well as electric wires and batteries, and in the apartment, Nasser Aweis taught us how to prepare an explosive charge and set it off. Nasser also taught us how to prepare explosives from the following materials: 1. Agricultural fertilizer containing potassium, 2. Sulfur, 3. Charcoal ... Nasser Aweis provides [sic] us with the materials required for preparation of the explosive charges ... The apartment in Rafidiya served for the preparation of explosives and charges ... We used to give the explosive charges which we prepared to people from Tanzim, for the purpose of carrying out military terrorist attacks against Israeli targets in the West Bank ..."

In statement P/40C: "Q. In your first statement, you stated that Nasser Aweis was the one who used to plan the perpetration of the terrorist attacks and that he was in charge of Tanzim Fatah in Nablus. Did you use to inform Nasser Aweis of the perpetration of the terrorist attacks in which you participated, and of the terrorist attacks which were performed by others with whom you were in contact in Tanzim Fatah?

A. Yes, Mahmoud Titi and I would inform Nasser Aweis of every terrorist attack we carried out, as well as other terrorist attacks which were carried out by other people with whom we were in contact ...

Q. Were you in contact with Marwan Barghouti?

A. No, I had no contact with him. Nasser Aweis had contact with Marwan Barghouti, and he would inform [him] of the terrorist attacks which were carried out against Israeli targets ..."

And in statement P/40D: "About a month after the terrorist attack on the settlement of Gidonim, Kamal Abuar came to me and asked me for the M-16 rifle, which I had taken from the guard whom I murdered in Gidonim. I gave the weapon to Kamal Abuar to use in a terrorist attack, and he returned the weapon to me the next day and told me what he had done with the weapon. I would like to add that Nasser Aweis took the M-16 weapon from me twice, in order for Tanzim activists to use it, and in September 2001, Nasser Aweis took the weapon from me for the purpose of placing an explosive charge ... and this was carried out by Abu Shahadi, an activist in Force 17 ... In October 2001, Nasser Aweis took the weapon from me for a shooting [attack] ... [on] a military position ..."

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The witness Ahmad Barghouti sets forth, in his statement P/43A: “Q. Why did you call Nasser Aweis? A. Because he is in charge of [*Kitaab*] *Shuhadaa al-Aqsa* and he does things like that. I asked Nasser Aweis if he could help me by bringing me someone who wanted to carry out a terrorist attack, and I would send him to Jerusalem to carry out a terrorist attack there, and Nasser said he would send me someone ...

In statement P/43C: “After I telephoned Nasser Aweis and told him about the terrorist attack (this was the terrorist attack described in the first count of this indictment, which took place in the Seafood Market restaurant), because Nasser Aweis is in charge of *Kitaab Shuhadaa al-Aqsa* ... Q. Tell me where the money for this activity came from. A. I gave Nasser Aweis my bank account number, and he deposited about 7,000 shekels in my account ...

Q. Tell me about your contacts with Nasser Aweis.

A. I had Nasser Aweis’s mobile phone number, and we would talk on the phone about the operations, and Marwan Barghouti knew about those contacts and that we used to talk. One day, Nasser told me that he would send Faiz to me, and that I should prepare him and send him out to carry out a suicide bombing ... Then Ali told me that Marwan had told him not to give me money and weapons at that time. I told Nasser Aweis that, and he said that that was all right, that we would go on, and that he would bring the weapons and money. I remember that Nasser Aweis told me that he had other people who wanted to carry out suicide bombings, and that he would send them to me ...”

[Stamp] P 5: 258 [continued]

And in statement [P/43D: “That night, when the terrorist attack took place at the event hall in Hadera ... I called Nasser Aweis, and he told me that he was in charge of that terrorist attack that is, that *Kitaab Shuhadaa al-Aqsa* had carried out that attack. I agreed with Nasser Aweis that, the next day, he would give me a poster stating that he was taking responsibility for the terrorist attack. The next day, Nasser sent me the poster by fax and I photocopied it 1,000 times and distributed it in Ramallah ...”

In statement P/43E: “I, Ahmad Barghouti, use the *nom de guerre* of France, and I was responsible for *Kitaab Shuhadaa al-Aqsa*, together with Nasser Aweis ...”

The witness Yasir Abu Bakr stated, in his statement P/47A: “Nasser Aweis is in charge of *Kitaab Shuhadaa al-Aqsa*, and he is wanted in Israel. In September 2001, Nasser Aweis called me and asked me to prepare a poster for him, for the first anniversary of the al-Aqsa intifada ... I prepared such a poster and I gave it to Nasser, at his house in Balata. In addition, after the death of Raad al-Karami, Nasser Aweis used to call me after terrorist attacks and asked me to write posters, in which *Kitaab Shuhadaa al-Aqsa* took responsibility for the terrorist attacks, and I agreed ... After a terrorist attack took place, Nasser Aweis would call me and tell me where the attack was and who the young man who carried out the suicide bombing was, and I would prepare the posters and would write that *Kitaab Shuhadaa al-Aqsa* took responsibility for the terrorist attack. After that, I would transfer the poster to Nasser Aweis, and he would send it out to journalists by fax. Q. You told me before that Nasser Aweis was in charge of *Kitaab Shuhadaa al-Aqsa* in Balata and was wanted in Israel. Can you tell me about Nasser Aweis’s fellow members of the terrorist squad? A. They are a squad of *Kitaab Shuhadaa al-Aqsa*, and Nasser Aweis was in charge of the squad.”

And in P/47B: “About three weeks ago, Nasser Aweis called me and asked me to get him two explosive belts urgently, for a suicide bombing. Nasser Aweis told me to bring explosive belts from another person, and not from Mahmoud Titi, because the explosion produced by an explosive belt that Mahmoud Titi prepared was too weak. They had tried out such an explosive belt, and the explosion was weak ... I contacted Khaled al-Asmar, because he has a friend who knows how to manufacture explosive belts ... Two days later, Khaled al-Asmar told me that Rabia Abu Rub had prepared one explosive belt for us ... and I transferred it to Ahmad Abu Khadr ...”

In P/47C: “In the beginning of 2001, I was in Nasser Aweis’s home in the Balata refugee camp, and there, Nasser Aweis proposed that I enlist in the al-Aqsa Martyrs’ Brigades for military activity, and I agreed. Q. Did Nasser Aweis tell you [plural] what military activity you were supposed to carry out? A. Yes, he said that we would be carrying out terrorist attacks against Israeli targets, and then he proposed that we carry out a terrorist attack involving an explosive charge and shooting, against a military vehicle ... “

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In P/47D: “About a month and a half ago, I called the mobile phone of Nasser Aweis, who is in charge of the Tanzim - *Kitaab Shuhadaa al-Aqsa* in Nablus ... and I suggested to Nasser that Tel Hashomer Hospital in Israel was a good place for a terrorist attack. I had heard that there were Israeli soldiers in Tel Hashomer Hospital, and therefore I suggested carrying out a terrorist attack there. Nasser told me to forget about that for the time being, and asked me to talk about it with Ahmad Abu Khadr, a man in his twenties, a senior activist in the Tanzim, Nasser Aweis’s assistant ... About two months ago, in the evening, Nasser Aweis contacted me - I told you about him - and asked me to contact GAP [sic] activists and check with them about helping to carry out military activity and terrorist attacks. I told Nasser that I knew a GAP [sic] activist ... Nasser told me to go to him. I met with ... and I told him that I worked with Nasser Aweis ... “

And in statement P/47E: “ ... Jalil told me that he had a man who was willing to carry out a suicide attack. So after a few minutes, I called Nasser Aweis and told him that there was a suicide attacker who was willing to carry out a suicide attack, and Nasser Aweis

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instructed me that the man should go to Ramallah ... After about a week, or five days, I heard on the news that a suicide attacker named Rami Nur, from Nablus, had perpetrated a shooting attack in the area of [illegible] ... in Jerusalem, and two Jews had been killed in that terrorist attack and others had been wounded, and Rami Nur had been wounded and was in severe condition, because he had been shot by the soldiers. After the news, on the day of the terrorist attack, Nasser Aweis called me and told me that the perpetrator was Rami Nur, an activist in the Tanzim, and instructed me to prepare a poster on behalf of *Kitaab Shuhadaa al-Aqsa*, stating that the organization was taking responsibility ... “

Pursuant to Section 1 of the Prevention of Terror Ordinance, 5708 - 1948, “a ‘Terrorist Organization’ is an assemblage of persons which, in its operations, makes use of acts of violence which are likely to cause the death or injury of a human being, or threatens such acts of violence. A ‘Member of a Terrorist Organization’ is a person who belongs to that organization, including a person who participates in its operations, who publishes propaganda on behalf of a Terrorist Organization or of its operations.”

Pursuant to Section 2 of the above mentioned Ordinance, a person holding, *inter alia*, a position involved in management or instruction in a Terrorist Organization, or involved in the deliberations or the decision making of a Terrorist Organization, is considered to be an activist in such an organization.

The citations appearing above are only one example of the broad and detailed web spread out for us, on the basis of the statements made by the Defendant and his accomplices, on which we relied - a web of facts which properly substantiates the legal conclusion that the foundations for the offenses against Section 2 and 3 of the Ordinance have been properly made, as well as the conclusions that the organizations to which the Defendant and his accomplices belonged are Terrorist Organizations.

In addition to offenses against the [Prevention of] Terrorism Ordinance, which the State imputes to the Defendant in all of the charges set forth in the indictment, it also imputes to him, in all of the charges, offenses against Section 499 of the Penal Code, 5737 - 1977.

The offense of conspiracy basically consists of an agreement between two or more persons to carry out an illegal act. The engagement must be for the purpose of achieving a common goal, and the engagement must be accompanied by the intention of realizing the common goal. The goal intended, as set forth above, is a goal defined by law as illicit.

The web of facts mentioned above also properly substantiates the conclusion that the Defendant committed the offenses against Section 499 of the Penal Code, 5737 - 1977.

The Defendant’s confession with regard to his position, status and activity within the organization to which he belonged - activity was intended to carry out terrorist operations, which

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even had murderous and damaging results, as shall be set forth below - is fully supported by an additional, substantial item derived from separate and independent sources: the assertions by each of the accomplices, which - each in its own way - embroil the Defendant in the offenses imputed to him, and which relate to a real point which is in dispute. The supplementary evidence which reinforces the testimony by the accomplices has already been discussed above.

The State has proven the actions which are imputed to the Defendant.

Count No. 1:

[Stamp] P 5: 260 [continued]

On March 5, 2002, the terrorist Ibrahim Hasuna (hereinafter: "Hasuna") came to the Seafood Market restaurant in Tel Aviv, armed with an M-16 rifle, hand grenades, and a knife, with the intention of carrying out a murderous terrorist attack.

When Hasuna arrived on the scene, the restaurant was full of scores of people. Hasuna started firing at the people in the restaurant from the Maariv House Bridge, threw hand grenades - which miraculously did not explode - into the restaurant, and immediately thereafter, entered the restaurant and stabbed people sitting inside, all in order to intentionally cause the death of many persons who were in the restaurant at the time.

In that incident, Sergeant Major Salim Barikat of blessed memory, age 33, who was one of the first policemen to reach the scene of the attack and tackled Hasuna with the intention of arresting him, Yosef Habi of blessed memory, age 52, and Eliyahu Dahan of blessed memory, age 53, were stabbed to death by Hasuna's knife. Scores of other persons were wounded, some of them seriously. After the security forces arrived on the scene of the terrorist attack, Hasuna was shot to death. (See testimony: Witness No. 3 for the prosecution, Commander Haggal Dotan, Witness No. 4 for the prosecution, Brigadier General Uri Barlev (presentation P/4); Witness No. 8 for the prosecution, Uriel Eliyahu, Witness No. 9 for the prosecution, Staff Sergeant Shai Cohen, Witness No. 11 for the prosecution, Leon Gorenstein, Witness No. 13 for the prosecution, Adi Maoz, Witness No. 17 for the prosecution, Efi Yamin; P/32 (activity reports on the preservation of the scene of the crime and the seizure of exhibits); P/33 (an M-16 rifle); P/34 (a bloody knife); P/35 (a board of photographs); P/24 (an activity report); P/25 (an activity report); P/52 through P/57 (expert opinions).

According to an argument that was set forth by the State, the Defendant - who, as set forth above, was one of the senior commanders of the Terrorist Organization - entered into a conspiracy with other activists in the organization, including Mahmoud Titi and Ahmad Barghouti (Witness No. 23 for the prosecution), for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, Hasuna was recruited, supplied with equipment and transported to Tel Aviv, to the site of the restaurant. Among other things, the Defendant instructed Mahmoud Titi to film Hasuna before he set out to perpetrate the terrorist attack, as a suicide attack, so that afterward it would be possible to send the [video] cassette, with Hasuna on film, to various television stations. In fact, after the terrorist attack on the restaurant, the Defendant did call the various television stations and other media and informed them that the Terrorist Organization was responsible for the terrorist attack and had even carried it out.

The admission by the Defendant is as follows:

"Q. Did you have any involvement with suicide attacks in Tel Aviv?

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A. Yes, Mahmoud Titi told me, early in March 2002, when he came to my home in Balata camp, that Ahmad Barghouti was asking me to provide a person who would carry out a suicide attack (*istishhad*) in Tel Aviv, and informed me that he was about to contact a person named Ibrahim Hasuna, originally from Gaza, who was serving in the naval force [sic] in Nablus, and Mahmoud gave Ibrahim an M-16 weapon and hand grenades. Mahmoud contacted me in that matter because we are a military squad, and I expressed my consent for that terrorist attack. He sent Ibrahim to Ramallah by public transportation, and we agreed with Ahmad Barghouti that he would meet Ibrahim Hasuna in Ramallah. It was further agreed that Mahmoud would film Ibrahim before the terrorist attack was carried out, and that afterward, we would send the [video] cassette to the television stations. In fact, after that, Ibrahim came to Ramallah, and as far as I know, Ahmad brought him into Israel and Ibrahim came to Tel Aviv, and I Stipulated Award on the news that he had fired at the Israelis in the restaurant and had been killed. Then I called the television stations, and I called [sic] and told them that the terrorist attack had been carried out by *Kitaab Shuhadaa al-Aqsa*.

Q. As far as you know, how many people were killed in the terrorist attack in Tel Aviv?

A. As far as I know, two or three people were killed and more than 20 people were wounded.

Q. Which television stations did you call to tell them that the terrorist attack had been carried out by [your organization]?

A. Al-Jazeera, Abu Dhabi, Israel, al-Manar, and the local press.

[Stamp] P 5: 261 [continued]

Q. Do you have anything to add about the terrorist attack in Tel Aviv?

A. No, but at about that time, Ahmad Abu Khadr from *Kitaab Shuhadaa al-Aqsa* contacted me and said that there were two people who wanted to carry out a terrorist attack in Israel, and I agreed to that. I informed Ahmad Barghouti of the matter and asked him if he would be able to bring them in, and it was agreed with Ahmad Abu Khadr that Alaa Abu Mustafa and Ayman Badr would take the two *mustashhids* to Ramallah. After that, I called Ahmad Barghouti and told him that the people were on their way to him. I should note that Ahmad Abu Khadr contacted me because I am responsible for *Kitaab Shuhadaa al-Aqsa*."

(See P/7)

The "additional item" is as follows:

The witness Ahmad Barghouti [stated as follows]:

"... Nasser Aweis called me and told me that he had another young man who wanted to carry out a suicide attack, that he was sending him to me, and I said OK. After that, a young man called me and told me that he was coming to me on behalf of Nasser Aweis. I sent al-Nuf to bring him, and I gave al-Nuf NIS 1000 and I told al-Nuf to buy the young man new clothes and to take him to have a haircut. I also told al-Nuf that, after that, he should bring the man to the rented apartment in Ramallah near the Arab Bank, where Rami Nur had been before that. After that, when I arrived at the rented apartment, I saw the young man, who told me that his name was Ibrahim Hasuna, that he was 21 years old, and he said he came from Gaza. After that, I told al-Nuf that he should take Ibrahim Hasuna to Israel, so that he could carry out a terrorist attack there, and I told al-Nuf that I would also bring him a weapon, for him to carry out a terrorist attack. After that, al-Nuf bought an M-16 rifle and gave it to Ibrahim Hasuna, and after that, al-Nuf took Ibrahim Hasuna to the Amari refugee camp, to Haloum Abu Hamid, and they stayed there three days. After the three days, al-Nuf called me and told me that he was going out, and after that, I heard that this Ibrahim Hasuna had carried out a terrorist attack in Tel Aviv, in a restaurant, and that he had gone there with Murad Ajluni and Mazen al-Qadi, and that both had been caught ... and after several days, Mahmoud Titi, who is an activist in [*Kitaab*] *Shuhadaa al-Aqsa* and works with Nasser Aweis, called me ... and Mahmoud told me that he had someone who wanted to carry out a suicide attack, and that he would send him to me, to Ramallah, and I said OK ..." (See P/43A)

The witness Ahmad Barghouti, in P/43C: "Q. Tell me about your activity with regard to the terrorist attack in Tel Aviv at the Seafood [Market] restaurant.

A. The one who carried out that terrorist attack was Ibrahim Hasuna, who came from the Nablus area, from Nasser Aweis ... After that, I called Marwan Barghouti on his mobile phone – I was in contact with him at the time – and I would tell [sic] him that the terrorist attack

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had gone out for execution. Marwan Barghouti told me that he did not want the terrorist attack to take place inside Israel, and I told him that it would be all right. After that – this was about 3:00 a.m. – Ali Tareq al-Nuf called me and told me that the terrorist attack had been carried out, and he told me to watch it on television. At that point, I called Marwan Barghouti and I told him that the terrorist attack had been carried out, and that he should watch it on television, and Marwan told me that he was watching it on television. Marwan did not say anything to me about having heard that the terrorist attack had been carried out within Israel, and not in the West Bank, as he said it should be. After that, I called Nasser Aweis and I told him about the terrorist attack, because Nasser Aweis is responsible for *Kitaab Shuhadaa al-Aqsa*.”

Count No. 2:

[Stamp] P 5: 262 [continued]